



General Assembly

January Session, 2013

Raised Bill No. 6628

LCO No. 3206



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE SAFE USE OF ELECTRONIC DEFENSE
WEAPONS BY PEACE OFFICERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) For the purposes of
2 this section: (1) "Electronic defense weapon" has the same meaning as
3 provided in section 53a-3 of the general statutes; and (2) "peace officer"
4 has the same meaning as provided in section 53a-3 of the general
5 statutes.

6 (b) Each police basic training program conducted or administered
7 by the Division of State Police within the Department of Emergency
8 Services and Public Protection or the Police Officer Standards and
9 Training Council established under section 7-294b of the general
10 statutes shall include a minimum of four hours of training on the use
11 of an electronic defense weapon, and each police review training
12 program conducted or administered by the division or council shall
13 include a minimum of one hour of such training. Such training shall
14 include, but need not be limited to, instruction on: (1) The effectiveness
15 and limitations of electronic defense weapon technology; (2) the effects

16 that an electronic defense weapon may have on a person on whom it is
17 used, including, but not limited to, adverse health effects; and (3) the
18 areas of the body which should not be the target of an electronic
19 defense weapon.

20 (c) No peace officer may use an electronic defense weapon in the
21 performance of such officer's duties unless such officer has
22 successfully completed the applicable training required in subsection
23 (b) of this section.

24 (d) Any peace officer who uses an electronic defense weapon on
25 another person shall immediately seek medical attention for such
26 person.

27 (e) Any peace officer who violates any provision of subsection (c) or
28 (d) of this section shall be subject to disciplinary action in accordance
29 with the procedures established by such officer's employing law
30 enforcement agency, and may be subject to liability under section 2 of
31 this act.

32 (f) Each law enforcement agency that authorizes a peace officer
33 employed by the agency to use an electronic defense weapon shall: (1)
34 Develop and maintain an internal policy that provides guidelines on
35 the use of an electronic defense weapon; (2) require officers to
36 document any use of an electronic defense weapon in use-of-force
37 reports; (3) on a monthly basis, electronically download and archive
38 data that is recorded on any electronic defense weapon that has been
39 used during the applicable month; and (4) not later than January
40 fifteenth following each calendar year in which an electronic defense
41 weapon is used, prepare and make available to the public an annual
42 report for such calendar year that details the use of electronic defense
43 weapons by officers employed by such agency and includes data
44 downloaded from the electronic defense weapons after their use, the
45 use-of-force reports and statistics on each such use, including, but not
46 limited to, the race and gender of each person on whom the electronic

47 defense weapon was used, the name of the peace officer who used the
 48 electronic defense weapon, the injury, if any, suffered by the person
 49 against whom the electronic defense weapon was used, the number of
 50 times the electronic defense weapon was activated and used on such
 51 person and, if any electronic defense weapon that was used had
 52 different usage modes, the mode used. The information and data
 53 compiled under this subsection shall be a public record, as defined in
 54 section 1-200 of the general statutes, and may be admissible in any
 55 judicial or administrative proceeding in accordance with the applicable
 56 rules regarding the admissibility of evidence.

57 Sec. 2. (NEW) (*Effective October 1, 2013*) Any person on whom an
 58 electronic defense weapon has been used by a peace officer who has
 59 not complied with the provisions of subsection (c) or (d) of section 1 of
 60 this act or whose employing law enforcement agency has not complied
 61 with subsection (f) of section 1 of this act may bring a civil action for
 62 damages against the law enforcement agency and any person with
 63 supervisory authority over such peace officer. The court may award
 64 costs, expert witness fees and a reasonable attorney's fee to any
 65 plaintiff who prevails in such action. The court may order injunctive or
 66 other equitable relief as it deems appropriate.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	New section

Statement of Purpose:

To ensure the safe use of electronic defense weapons by peace officers by requiring training and reporting on the use of such weapons and permitting any person injured by the use of such weapon to bring a civil action against a law enforcement agency for failing to comply with applicable requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]